

**CITY COUNCIL MEETING MINUTES
THURSDAY, NOVEMBER 12, 2015 – 7:00 PM
CITY HALL COUNCIL CHAMBERS**

ATTENDANCE: Ms. Bergman, Mr. DeVlieger, Mr. Guinosso, Mr. Madden, Mr. McClellan, Mr. Wilson and Mr. Hartzell. Also present was Mayor Gillian, Mr. Mallon, Business Administrator and Ms. McCrosson, City Solicitor.

Council President Hartzell called the meeting to order at 7:00 pm and asked everyone to rise for the flag salute. He announced the meeting had been advertised in accordance with P.L. 1975, Chapter 231.

CITIZEN COMMENT

Tom Heist, 297 West Atlantic Boulevard – presented the City with a NJ Complete Streets Excellence Award for the City's accomplishments in instituting a safe transportation system making the streets safe for tourists, cyclists and the disabled.

The following persons spoke in support of Ordinance #15-25 banning drones

Loretta Geary, 641 Battersea Road

Cynthia Hart, 516 West Surf Road

Bill Hartranft, 728 Battersea Road

Eric Sauder, 2928 Central Avenue

Gayle Davidson, 2152 Asbury Avenue

Marie Tomlinson, 1035 Asbury Avenue – concerned about safety and the need to keep bicycles off the sidewalks and feels that drones can be dangerous.

Bill MacAllister, 15 West 15th Street – spoke against Ordinance #15-25 banning drones

Marie Hayes, 641 Battersea Road – spoke about her dislike of the look & feel of Ocean City with the increase in building heights and requested Council not increase height in the two ordinances on the agenda.

APPROVAL OF MINUTES

Mr. Hartzell asked for a motion to adopt the City Council Meeting Minutes of Thursday, October 22, 2015 and the Closed Executive Session Meeting Minutes of Thursday, October 22, 2015. Motion moved by Mr. Wilson; seconded by Mr. Guinosso. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

Ashley McGuigan, member of the Ocean City Healthy Living Advisory Council made a presentation on the upcoming Fitness Week events planned during the week of November 16th.

Mr. Mallon provided updates on the continued demobilization of the south end beach replenishment project and indicated the first phase of the north end beach replenishment project should be completed by the Christmas holiday. He also announced a presentation will be made on the north end pump station at the Mayor's Town Hall meeting on November 14th at 10:00 am in the Lecture Hall at the Library and then clarified questions related to Resolution #4 that the height of the new bulkheads will be 7 feet.

REPORTS – CITY COUNCIL

Mr. Madden reported the Tourism Development Commission met and discussed the 2016 budget and events.

ORDINANCES: INTRODUCTION & FIRST READING

Mr. Hartzell asked for a motion to introduce Ordinance #15-26 on first reading. Motion moved by Ms. Bergman; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#15-26: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City Residential R-2 Zones (Half-Story)**. Ms. McCrosson explained the ordinance encourages the construction of single family homes in all Residential R-2 zones permitting the single-family homes to build a half-story and will be subject to the same zoning and design regulations that currently apply to half-stories in the R-1 single family zones. Mr. Guinosso questioned the floor area ratio (FAR). Ms. McCrosson explained there would not be a floor area requirement.

Mr. Hartzell asked for a motion to adopt Ordinance #15-26 on second reading and publish according to law. Motion moved by Mr. McClellan; seconded by Mr. DeVlieger. All ayes followed. Mr. Hartzell announced the ordinance will be sent to the Planning Board for Consistency Review with second reading and public hearing to be held on December 17, 2015.

Mr. Hartzell asked for a motion to introduce Ordinance #15-27 on first reading. Motion moved by Mr. Wilson; seconded by Mr. Guinosso. All ayes followed. The clerk read the ordinance by title: **#15-27: An Ordinance Amending and Supplementing Volume I of the Revised General Ordinances of the City of Ocean City (Sheds)**. Ms. McCrosson said regulations involving sheds are found in both the administrative code and the zoning ordinance and the change removes the shed language duplication from the administrative code.

Mr. Hartzell asked for a motion to adopt Ordinance #15-27 on first reading. Motion moved by Mr. Wilson; seconded by Ms. Bergman. All ayes followed. Mr. Hartzell announced second reading and public hearing will be held on December 3, 2015.

Mr. Hartzell asked for a motion to introduce Ordinance #15-28 on first reading. Motion moved by Mr. Guinosso; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#15-28: An Ordinance Amending Ordinance #87-17, Chapter XXX “Municipal Fees” of the Revised General Ordinances of the City of Ocean City (Dwelling Unit Licensing Fees)**. Ms. McCrosson explained the ordinance brings the city into compliance with an Appellate Division which exempts from the licensure requirement all residential units rented for more than 175 days.

Mr. Hartzell questioned if the person would have to bring a lease to show a long term rental. Ms. McCrosson indicated yes.

Mr. Hartzell asked for a motion to adopt Ordinance #15-28 on first reading and publish according to law. Motion moved by Mr. Wilson; seconded by Mr. Guinosso. All ayes followed. Mr. Hartzell announced second reading and public hearing will be held on December 3, 2015.

ORDINANCES: SECOND READING & PUBLIC HEARING

Mr. Hartzell asked for a motion to take up Ordinance #15-23 on second reading. Motion moved by Mr. Guinosso; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#15-23: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City Building Height**. Ms. McCrosson explained the ordinance establishes the elevation from which the building height will be measured in the Neighborhood Business, Marine Village and 34th Street Gateway zones which is consistent with recent amendments to the Central Business and Drive-In Business zones and the elevation for building height for non-residential and mixed use buildings is to be measured.

PUBLIC COMMENT – Ordinance #15-23. There was no public comment.

Mr. Guinosso questioned FAR. Ms. McCrosson stated there is no floor area ratio in commercial zones and that the ordinance was consistent with CB and CB-1 and the City’s flood damage prevention ordinance.

Mr. Hartzell asked for a motion to adopt Ordinance #15-23 on second reading. Motion moved by Mr. Wilson; seconded by Mr. McClellan. All ayes followed.

Mr. Hartzell asked for a motion to take up Ordinance #15-25 on second reading. Motion moved by Mr. Guinosso; seconded by Ms. Bergman. All ayes followed. The clerk read the ordinance by title: **#15-25: An Ordinance Amending and Supplementing Chapter IV, “Police Regulations” of the Revised General Ordinances of the City of Ocean City (Drones)**. Ms. McCrosson explained drone means an unmanned aerial vehicle and/or an unmanned aircraft system which will be banned from airspace within five miles of the Ocean City Airport. She said the ordinance was intended to be a temporary protection until the FAA releases its regulations for safely operating and registering drones.

PUBLIC COMMENT – Ordinance #15-25

Steve Fenichel – spoke in support of eliminating drones and requested council members who are realtors to recuse themselves from voting on the ordinance.

Dave Hayes, 641 Battersea Road – objected to the ordinance calling its scope too broad in nature.

Gerogia Shanley – requested council endorse the ordinance banning drones.

Al Keleher, 3304 Haven Avenue – wondered if the City ought to broaden the definition of what a drone is.

Tom Braun, a drone enthusiast, said drones have good benefits and that he has used drones to photograph Ocean City beaches and said the City might want to consider being able to amend the decision as rules come down from the FAA.

A lengthy discussion ensued among council members related to safety and privacy concerns using drones along with beneficial use of drones for search and rescue operations and various commercial uses.

Ms. McCrosson said the administration proposed the ordinance as a temporary protection pending adoption of laws regulating drones by the Federal Aviation Administration and the State of New Jersey.

Mr. Madden recommended a sunset provision on the ordinance so that appropriate restrictions and guidelines could be put in place. Mr. Hartzell reminded Council, at any time, three council members could bring forward a new drone ordinance. Further council discussion ensued on a sunset provision date with a consensus of September 8, 2016.

Mr. Hartzell asked for a motion to amend Ordinance #15-25 to sunset the ordinance on September 8, 2016. Motion moved by Ms. Bergman; seconded by Mr. McClellan. Mr. Madden, Mr. McClellan, Mr. Wilson and Mr. Hartzell voted Yes. Mr. DeVlieger and Mr. Guinosso voted No.

Mr. Hartzell asked for a motion to adopt Ordinance #15-25 as amended on second reading. Motion moved by Mr. Guinosso; seconded by Mr. Madden. All ayes followed. Mr. DeVlieger requested the record show that he meant to vote no on adoption of Ordinance #15-25.

RESOLUTIONS – CONSENT AGENDA

15-51-273 - #1. A Resolution to Authorize the Advertisement of Specifications for City Contract #15-42, Ocean City Dredge Material Disposal

15-51-275 - #3. A Resolution Authorizing Change Order #1, Final Acceptance and Final Payment of City Contract #14-37, 2014 Road Improvement Program - Phase II

15-51-277 - #5. A Resolution Authorizing the City's Participation in State Contract #T-2776, Police Vehicles: Sport Utility Vehicles, ½ Ton, 4WD for the Purchase of One (1) 2016 or Newer Chevrolet Tahoe 4WD Special Service Vehicle

15-51-278 - #6. A Resolution Authorizing the Release of a Performance and Maintenance Guarantee for a Construction Project at 34 Corinthian Avenue, Block 6; Lot 28.02, Project #13-031PMSP

15-51-279 - #7. A Resolution Amending the 2015 Budget of the City of Ocean City to include Additional Revenue from the County of Cape May for Year 2014 Emergency Management Assistance Grant

15-51-280 - #8. A Resolution Amending the 2015 Budget of the City of Ocean City to include Additional Revenue from the State of New Jersey, Department of Environmental Protection, Division of Coastal and Land Use Planning, Recreational Opportunities for Individuals with Disabilities 2016

15-51-281 #9. A Resolution Amending the 2015 Budget of the City of Ocean City to include Additional Revenue from the State of New Jersey, Division of Criminal Justice, 2015 Body Armor

15-51-282 - #10. A Resolution Authorizing the Payment of Claims

15-51-283 - #11. A Resolution Approving Tax Overpayment Refund 2015-16 to 18

15-51-284 - #12. A Resolution Authorizing Execution of a Collective Bargaining Agreement with the International Association of EMT's and Paramedics (IAET)

Mr. Hartzell asked for a motion to adopt the consent agenda. Motion moved by Mr. Madden; seconded by Ms. Bergman. All ayes followed.

RESOLUTIONS – NON CONSENT AGENDA

15-51-274-#2. A Resolution Authorizing the Award of a Contract between Cape Materials, Inc. & the City of Ocean City for Disposal of Dredge Materials from Route 52 CDF. Mr. Guinosso removed the resolution asking if the project will be completed in six months. Mr. Mallon responded yes.

15-51-276-#4. A Resolution Authorizing the Award of City Contract #15-37, 2015 Bulkhead & Road Improvements at Various Locations. Mr. Guinosso removed the resolution addressing his concern that bulkhead heights should be at 8 feet instead of 7 feet. Mr. Mallon said the present ordinance calls for 7 foot and that council authorized a resolution to go out to bid at the 7 foot height.

PUBLIC COMMENT – There was no public comment on Resolution #2 and #4.

Mr. Hartzell asked for a motion to adopt Resolution #2 and #4. Motion moved by Ms. Bergman; seconded by Mr. McClellan. All ayes followed.

PENDING BUSINESS

Mr. Guinosso announced he will hold a 4th Ward meeting Saturday, November 14th at 9:30 am at Our Lady of Good Counsel Parish Hall. He requested an update on the CRS program and back bay dredging; he asked when a flooding report for 24th to 36th Street by Michael Baker, LLC would be forthcoming. Mr. Mallon said in regard to CRS, the City is waiting for a response from National Flood Insurance program who have requested a large amount of documents; Michael Baker is currently gathering data and the back bay dredging is slowly moving along.

Councilman DeVlieger and Councilman Madden spoke on the qualities of former council member John Kemenosh who recently passed away.

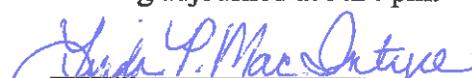
Mr. Hartzell spoke about his strong feeling that a council committee be formed to review and discuss any possible changes council may have regarding the drone ordinance prior to the sunset of the ordinance and requested Ms. McCrosson review the regulations for council to convene such a committee.

NEW BUSINESS – There was no new business.

CITIZEN COMMENT

Gayle Davison, thanked council for a thoughtful discussion on the ordinances and wanted to remind council many citizens of Ocean City appreciate the discussion and hearing from the public.

Mr. Hartzell asked for a motion to adjourn. Motion moved by Mr. Wilson; seconded by Mr. Madden. The meeting adjourned at 9:24 pm.


Linda P. MacIntyre, City Clerk